

### REMARKS

Claims 36-46 are pending, and claims 47-63 have been withdrawn.

Claim 36 has been amended to those  $R^3$  variables for which the Examiner notes at page 4, paragraph 4 of the Action to be enabled. Such should obviate the Examiner's rejection under 35 U.S.C. § 112, first paragraph for defining  $R^3$  as "aryl" or "heteroaryl". In view of this amendment, Applicants submit that the rejection is rendered moot.



Claims 39-42 have been amended to remove reference to the moiety in the claims.



The claims now define variables in the moiety of claim 36 from which they depend. Such should obviate the Examiner's rejections of the claims 39-42 under 35 U.S.C. § 112, second paragraph for



there being a lack of antecedent basis for the moiety .. In view of this amendment, Applicants submit that the rejections are rendered moot.

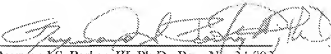
Applicants submit that once compounds of the present invention are found to be allowable, then subject matter capable of rejoinder should be rejoined pursuant to the case law of *In re Ochai*.

Applicants request the reconsideration and withdrawal of the rejections in view of Applicants' amendments and response. Early action toward that end is appreciated.

The Commissioner is hereby authorized to charge any fee required hereunder and any additional fees that may be needed to Deposit Account No. **18-1982**.

Respectfully submitted,

Date: October 3, 2006

  
Raymond S. Parker, III, Ph.D., Reg. No. 34,893

sanofi-aventis U.S. LLC  
U.S. Patent Operations  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-5674  
Telefax (908) 231-2626

**Docket No. USA3676 US CNT**